



Dated: October 08, 2010 11:54:42

The following is ORDERED:

A handwritten signature in black ink that reads "Sarah A. Hall".

Sarah A Hall  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA**

IN RE: MICHAEL L. CALLOWAY, )  
SR., and LILLIE E. CALLOWAY, )  
)  
)  
Debtors. )

CASE NO. 09-16011-SAH  
Chapter 7

RED RIVER ROOFING AND )  
CONSTRUCTION, INC., )  
)  
Plaintiff, )

v. )

Adv. Pro. 10-1043-SAH

MICHAEL L. CALLOWAY, SR., and )  
LILLIE E. CALLOWAY, )  
)  
Defendants. )

**ORDER: (1) REGARDING OPPOSING MOTIONS FOR SUMMARY JUDGMENT; (2)  
SETTING NEW DEADLINE TO RESPOND TO PLAINTIFF'S MOTION FOR  
SUMMARY JUDGEMENT; AND (3) SETTING HEARING ON PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT**

Red River Roofing and Construction, Inc. (the “Movant”) has moved for summary judgment pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure, which adopts by reference Rule 56 of the Federal Rules of Civil Procedure. This means that the Movant has asked the Court to decide this matter in the Movant’s favor without a trial, based on written materials, which may include affidavits, submitted in support of the motion. The claims asserted by the Movant may be decided without a trial if the Court determines that there is no question regarding the critical facts of the matter and the Movant is entitled to judgment as a matter of law.

You have a right to submit affidavits or other material in opposition to the motion under Rule 56(e). You may NOT oppose summary judgment simply by relying on the statements you made in your answer or original response. If you do not respond with affidavits or documentary evidence contradicting the facts asserted by the Movant, the Court may accept these factual assertions as true. Therefore, it is important that you provide support to show that there is an issue for trial based on a dispute of the facts or law. Attached to this order, you will find a form of affidavit which you may wish to use in responding to the motion for summary judgment.

The Court hereby directs the Defendants to file their response to the Movant’s motion for summary judgment no later than **October 25, 2010 by 12:00 P.M.** The Court will not consider any extensions of time. Failure to timely respond may result in the Court granting the Movant’s motion for summary judgment. Furthermore, the Court hereby gives the parties notice that it will conduct a hearing on the Movant’s motion for summary judgment on **October 27, 2010, at 9:30 A.M.** in the 6<sup>th</sup> Floor Courtroom. Failure to appear

at this hearing may result in the Court granting the Movant's motion for summary judgment,  
which may include the Defendants not receiving a discharge of their debts in bankruptcy.

IT IS SO ORDERED.

# # #

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA**

**In re:**

**CASE NO.:**[number]

[debtor name(s)],

**CHAPTER** [chapter number 7, 11 or 13]

**Debtor(s).**

\_\_\_\_\_ /

[use this section only for adversary proceedings]

[name(s) of plaintiff(s)],

**ADV. NO.:** [number]

**Plaintiff(s),**

**v.**

[name(s) of defendant(s)],

**Defendant(s).**

\_\_\_\_\_ /

**DECLARATION UNDER PENALTY OF PERJURY**

I, [name of person making statements], **being at least 18 years of age,**  
**hereby declare based on my personal knowledge:**

[numbered paragraphs stating facts in support of your position]

**I declare under penalty of perjury under the laws of the United States  
of America that the foregoing is true and correct. Executed on** [date signed].

\_\_\_\_\_  
[name of person signing declaration - you  
need to print or type the name clearly below  
the line and then have the person making the  
declaration sign his or her name above the  
line]